

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA FOR
AN ORDER PURSUANT TO
18 U.S.C. § 2703(d)

Case No. 2:23-mj-36

Filed Under Seal

**APPLICATION OF THE UNITED STATES
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703(d)**

The United States of America, moving by and through its undersigned counsel, respectfully submits under seal this *ex parte* application for an Order pursuant to 18 U.S.C. § 2703(d). The proposed Order would require Google LLC, an Internet service provider, headquartered in Mountain View, California, to disclose certain records and information pertaining to the following:

- sknisley71@gmail.com

as described in Part I of Attachment A. The records and other information to be disclosed are described in Part II of Attachment A to the proposed Order. In support of this application, the United States asserts:

LEGAL BACKGROUND

1. Google LLC is a provider of an electronic communications service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Accordingly, the United States may use a court order issued under § 2703(d) to require Google LLC to disclose the items described in Part II of Attachment A. *See* 18 U.S.C. § 2703(c)(2) (Part II.A of Attachment A); 18 U.S.C. § 2703(c)(1) (Part II.B of Attachment A).

2. This Court has jurisdiction to issue the proposed Order because it is “a court of competent jurisdiction,” as defined in 18 U.S.C. § 2711. *See* 18 U.S.C. § 2703(d). Specifically,

the Court is a district court of the United States that has jurisdiction over the offense being investigated.

3. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d). Accordingly, the next section of this application sets forth specific and articulable facts showing that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

THE RELEVANT FACTS

4. The United States, along with Homeland Security Investigations (HSI), is investigating Steven D. Knisley as it relates to possible violations of 18 U.S.C. § 2252, Possession or Receipt of Child Pornography. In January of 2015, Knisley was convicted of one count of knowingly possession visual depictions of child pornography in interstate commerce, in violation of 18 U.S.C. § 2252(a)(4)(B). He was sentenced to 94 months of incarceration, followed by a 20-year term of Supervised Release. His term of Supervised Release began in January of 2021.

5. In November of 2021, Google LLC submitted four Cybertipline reports to the National Center for Missing and Exploited Children (NCMEC). Those reports indicated that the user of the email account sknisley71@gmail.com had uploaded numerous images that depicted pubescent minors engaged in the lascivious exhibition of the genitalia or in sex acts. The report also listed the IP address utilized to upload three of the suspect images, which was later confirmed to be assigned to a homeless shelter in Columbus, Ohio, where Steven D. Knisley lived upon his release from the federal Bureau of Prisons.

6. HSI issued a search warrant to Google in April of 2022, based on the information provided in the NCMEC Cypertipline reports.¹ The results of that search warrant revealed the presence of several images depicting minor children engaged in sexually explicit conduct and thousands of pornographic images of individuals who appeared to be teenagers or young adults within the Google Photos application connected to the sknisley71@gmail.com account. However, the information provided by Google in response to the search warrant did not provide any information pertaining to the device utilized to upload these photos to the Google Photos account, or information pertaining to the dates on which the photos were uploaded.

7. In June of 2022, Steven D. Knisley was interviewed by his supervising probation officer regarding the results of the search warrant for the sknisley71@gmail account. Knisley admitted that the sknisley71@gmail.com account belonged to him but claimed that someone else at the homeless shelter where he had been living had uploaded the images at issue utilizing a device other than Knisley's own phone. According to Knisley, he accessed his Google account on other individual's cellular phones in order to assist them in downloading applications (apparently through the Google Play Store) to their devices.

8. In order to more accurately determine the individual responsible for the uploading and possession of child pornography images to the Google Photos account associated with the email account sknisley71@gmail.com, the United States is seeking detailed information pertaining to the devices and dates associated with the upload of those images, as well as any application download data that might indicate that numerous users were accessing the suspect Google account.

¹ The search warrant was assigned Google Reference Number 16170800.

REQUEST FOR ORDER

9. The facts set forth in the previous section show that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation. Specifically, these items will help the United States to identify and locate the individual(s) who are responsible for the events described above, and to determine the nature and scope of their activities. Accordingly, the United States requests that Google LLC be directed to produce all items described in Part II of Attachment A to the proposed Order.

10. The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

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